IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.32799 of 2008
AJAY KUMAR SINGH SON OF KRIT SINGH,
RESIDENT OF VILAGE BUDHAUL, P.S. FATEHPUR, DISTRICT- GAYA
AMRENDRA KUMAR SON OF RAMSWAROOP SINGH,
RESIDENT OF VILLAGE MORHAR, P.S. FATEHPUR, DISTRICT- GAYA
Versus
STATE OF BIHAR
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3 **17.10.2008** Heard learned counsels for the petitioners and the State.

Petitioners are accused for the offence under sections 467, 468, 471, 419, 420, 406 & 409/34 of the Indian Penal Code.

Petitioners are the public distribution system dealers who were allotted certain quantity of rice for distribution to the labourer under the scheme 'food for work' programme. The allegation against the petitioners is that they did not distribute the full quantity of rice under the said scheme and misappropriated the rest of rice which were not distributed.

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It is submitted on behalf of the petitioners that they distributed the rice as per the permit issued to them and for rest of rice since no permit was issued the same was not distributed and subsequently on account of lapse of time it got destroyed. Notwithstanding the above, it is submitted that as stated in paragraph 10 of the petition to the effect that the requisite amount against the balance of undistributed rice at the rate of rupees six

hundred twenty two per quintals have been deposited back in the account of the Collector. It is further contended that even during trial if it is found that further amount is required to be deposited by the petitioners, they are ready to deposit the same. It is also contended that in similar circumstances some other dealers have been allowed anticipatory bail as per the order dated 01.10.2008 passed in Cr. Misc. No. 29825 of 2008.

Having considered the submissions, as noticed above, and in the facts and circumstances of the case, it is directed that in the event of arrest or surrender within a period of six weeks from today, the petitioners, namely, Ajay Kumar Singh & Amrendra Kumar be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the Chief Judicial Magistrate, Gaya, in connection with Fatehpur P.S.Case No. 41 of 2008 subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

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Manish/- **(Shailesh Kumar Sinha,J.)**